

1641 /
B1 TPO

Docket No. 0575/60934/JPW/GJG/BJA

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joshua S. Salafsky and Kenneth B. Eisenthal
Serial No.: 09/731,366 Group Art Unit: 1641
Filed : December 6, 2000 Examiner: G.W. Counts
For : ATTACHMENT OF SECOND HARMONIC-ACTIVE MOIETY TO
MOLECULES FOR DETECTION OF MOLECULES AT
INTERFACES

Date of Notice

Of Allowance: March 11, 2005

Confirmation No.: 8346

1185 Avenue of the Americas
New York, New York 10036
June 9, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with their duty of disclosure under 37 C.F.R. § 1.56, applicants direct the Examiner's attention to the following references which are listed on the attached Form PTO-1449 (Exhibit A) and attached hereto as Exhibit 1-5.

- 1) European Search Report issued May 18, 2005 in connection with European Patent Application No. 01995403.1; (Exhibit 1)
- 2) WO 02/44412 A, Salafsky et al., published June 6, 2002; (Exhibit 2)
- 3) Ditcham, W.G.F. et al., "An immunosensor with potential

for the detection of viral antigens in body fluids, based on surface second harmonic generation", *Biosensors and Bioelectronics*, 16(3):221-224 (2001); (**Exhibit 3**)

- 4) Rinuy, J. et al., "Second harmonic generation of glucose oxidase at the air/water interface", *Biophys. Jour.*, 77(6):3350-3355 (1999); (**Exhibit 4**) and
- 5) Wang, H. et al., "In Situ, Nonlinear Optical Probe of Surfactant Adsorption on the Surface of Microparticles in Colloids", *Langmuir, ACS, Washington, DC, US*, 16(6):2475-2481 (2000). (**Exhibit 5**)

References 2-5 were cited in a Supplementary Partial European Search Report issued May 18, 2005 in connection with corresponding European Patent Application No. 01995403.1. A copy of the May 18, 2005 search report is attached hereto as **Exhibit 1**. Applicants point out that Peleg et al. (1999), Campagnola et al. (1999), and Salafsky et al. (2000), as cited in the Search Report, have previously been disclosed to the U.S. Patent and Trademark Office in the Information Disclosure Statement filed by applicants on July 10, 2001 in connection with the above-identified application, and are not being included in this Information Disclosure Statement.

A Notice of Allowance was issued in connection with the subject application on March 11, 2005 requiring payment of the issue fee by June 13, 2005. As of the filing of this Information Disclosure Statement, the issue fee has not been paid. Therefore, this Third Supplemental Information Disclosure Statement is being submitted pursuant 37 C.F.R. §1.97(d) before the payment of the issue fee. In accordance with 37 C.F.R. §§1.97(d) (1) and C.F.R. §1.97(e) (1)

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the undersigned hereby certifies that each item of information contained in this Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement. Specifically, item 1 is a May 18, 2005 Supplementary European Search Report and items 2-5 are references cited therein. In accordance with 37 C.F.R. §§1.97(d)(2) and 1.17(p), applicants enclose a check for ONE HUNDRED EIGHTY DOLLARS (\$180.00). Accordingly, the requirements of 37 C.F.R. §1.97(d) have been satisfied and this Third Supplemental Information Disclosure Statement should be considered.

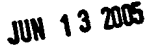
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee, other than the enclosed fee of \$180.00, is deemed necessary in connection with the filing of this Third Supplemental Information Disclosure Statement. However, if an additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

<p>I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p><i>Gary J. Gershik</i> 6/9/05 _____ John P. White Date Reg. No. 28,678 Gary J. Gershik Reg. No. 39,992</p>	<p><i>Gary J. Gershik</i> John P. White Registration No. 28,678 Gary J. Gershik Registration No. 39,992 Attorneys for Applicants Cooper & Dunham LLP 1185 Avenue of the Americas New York, New York 10036 (212) 278-0400</p>
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Use for form 1449/PTO

(Use as many sheets as necessary)

Sheet	1	of	2
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Application Number	09/731,366
Filing Date	December 6, 2000
First Named Inventor	Joshua S. Salafsky
Art Unit	1641
Examiner Name	G. W. Counts
Attorney Docket Number	0575/60934/JPW/GJG

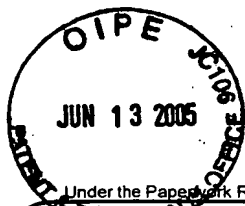
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	2	WO 02/44412 A1	06/06/2002	Salafsky et al.		

Date
Considered

TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Applicants: Joshua S. Salafsky et al.
U.S. Serial No.: 09/731,366
Filed: December 6, 2000
Exhibit A



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	09/731,366
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Art Unit	1641
Examiner Name	G. W. Counts
Attorney Docket Number	0575/60934/JPW/GJG

Sheet 2 of 2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1	European Search Report issued May 18, 2005 in connection with European Patent Application No. 01995403.1	
	3	Ditcham, W.G.F. et al., "An immunosensor with potential for the detection of viral antigens in body fluids, based on...", Biosensors and Bioelectronics, 16(3):221-224 (2001)	
	4	Rinuy, J. et al., "Second harmonic generation of glucose oxidase at the air/water interface", Biophys. Jour., 77(6):3350-3355 (1999)	
	5	Wang, H. et al., "In Situ, Nonlinear Optical Probe of Surfactant Adsorption on the Surface...", Langmuir, ACS, Washington, DC, US, 16(6):2475-2481 (2000)	

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.